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COMMISSION ON HUMAN RIGHTS

SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND
PROTECTION OF MINORITIES

Forty-seventh session

SUMMARY RECORD OF THE 24th MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 17 August 1995, at 10 a.m.

Chairman: Mr. MAXIM

later: Mr. GUISSE

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THE REALIZATION OF ECONOMIC, SOCIAL AND CULTURAL RIGHTS (continued)

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GE.95-13728 (E)

The meeting was called to order at 10.10 a.m.

THE REALIZATION OF ECONOMIC, SOCIAL AND CULTURAL RIGHTS (agenda item 8) (continued) (E/CN.4/Sub.2/1995/10-15; E/CN.4/1995/11, 27 and 101; E/CN.4/Sub.2/1995/NGO/2, 9, 23, 30-31; E/CN.4/Sub.2/1994/20; E/CN.4/Sub.2/1993/15)

1. Mr. SHIOKAWA (International Association of Democratic Lawyers) said that from 29 June to 1 July 1994 the National Confederation of Trade Unions (ZENROREN) in Japan had organized an Asian-Pacific trade union symposium on workers' rights and the democratic control of multinationals. Unfortunately a delegate from one of the ASEAN labour unions had been called by the Embassy of Japan and rigorously questioned about his relationship with ZENROREN. Thereafter he had been kept waiting for unreasonably long periods in order to obtain a visa.

2. The Japanese Trade Union Confederation (RENGO) was following a cooperative line towards management and was working hand in hand with Japanese embassies abroad, sending its officials as labour attachés with the aim of discouraging the formation of industry-based labour unions. All trade unions had equal rights and must be treated equally. Nevertheless, inequitable practices were often fostered by the central Government and local governments by giving more favourable treatment to RENGO than to others. As a consequence, members of labour commissions were selected almost entirely from among members of RENGO, with almost none from members of ZENROREN. The relief system guaranteed by the labour commissions was losing its effectiveness because the commissions were no longer able to play the role of neutral mediators owing to discriminatory treatment of a certain trade union by administrations. It was no exaggeration to say that there was no law nor justice in workplaces in Japan, where routine discrimination and human rights violations were practised. The unjust working conditions, including long hours and arduously intensive operating rates, were a cause of trade friction and were detrimental to the balance of the world economy, ultimately becoming a negative factor for the realization of economic, social and cultural rights.

3. Mr. ALI KHAN said that in the part of the world from which he came housing was considered to be, together with food, clothing and a clean environment, one of the most important human needs. The right to adequate housing was therefore of fundamental significance. Unfortunately, in India and elsewhere many people were being discriminated against because of their low economic or cultural standing and were being forced to live in ghettos or even, in some cases, on pavements.

4. In his report (E/CN.4/Sub.2/1995/12), the Special Rapporteur on promoting the realization of the right to adequate housing had done commendable work in developing the concept of the right to adequate housing as a fundamental right - a status that had apparently been called into question at a recent international conference, although on the other hand the Supreme Court of India had ruled that the right to adequate housing formed part of the right to life. It was most unfortunate that the Special Rapporteur had not been able to conclude his work on the development of a draft international convention on the subject because no note verbale had been sent out to the parties indicated in Sub-Commission resolution 1994/38. If the Special Rapporteur was to

proceed with the work on the draft Convention, it would be necessary to allow him a further year in which to continue his study. The Sub-Commission should therefore make a recommendation to that effect to the Commission on Human Rights.

5. Ms. KAISIEPO (Survival International) said that her organization welcomed the background document prepared by the Secretary-General on the relationship between the enjoyment of human rights, in particular, international labour and trade union rights, and the working methods and activities of transnational corporations (E/CN.4/Sub.2/1995/11) and appreciated the discussion on the activities and methods of work of transnational corporations and the implications which they had for a number of human rights. Transnational corporations were very influential actors in the global economy, and by their investments and activities they were consciously or unconsciously setting the pace for the development of peoples. That pace of development might become a threat to the actual "right to development" as formulated in various United Nations documents, since the realization of the right to development required that the objectives of development must be determined by the people themselves and the benefits must be fairly distributed. That was not the case in some countries or areas where transnational corporations operated.

6. For example, five years ago the Ogoni people, a minority ethnic group living in the oil-rich fringes of the Niger delta in south-east Nigeria, had started a non-violent campaign for local autonomy, for a share in the oil-rich resources of their territory, and for a stop to the destruction of their land by oil companies. They were still without electricity, piped water, telephones, hospitals and adequate transport and education facilities, even though 900 million barrels of crude oil had so far been extracted from Ogoni land without any benefit to the owners. On the contrary, because of those natural resources the Ogoni people were suffering from severe human rights violations and were deprived of their means of subsistence. The Shell Oil Company had shown a great deal of recklessness in its environment policies in the area inhabited by the Ogonis. Oil spills, blow-outs and leaks occurred frequently, leading to the pollution of farmlands, rivers, creeks and air. The Shell Oil Company routinely invited the Nigerian military to crush the peaceful protests of Ogoni peasants, whose farmlands were seized without compensation, when they complained.

7. Another alarming case was that of Freeport McMoRan, a United States mining company that owned 80 per cent of the shares in PT Freeport Indonesia and was involved in killings and other severe violations of the human rights of the Amungme people living in the area around the copper mine in West Papua. Operations had begun in 1967, and although the Amungme had reached an agreement with Freeport in 1976 and had received some material assistance from the company, the people said that living standards were low and only 13 per cent of all employees at Freeport were from West Papua. The main river running through the concession area was said to be badly polluted from the mine, and residents of a resettlement village near the mining town of Tembagapura had been warned by Freeport authorities not to drink the river water or eat sago growing next to it. The recently granted concession of 2.6 million hectares would be exploited in a few years' time and would transform the entire region of West Papua, with significant increases in copper and gold production. Freeport planned to build an expensive new town

for the administrative and logistical personnel now living in overcrowded Tembagapura. The new town would have abundant recreational facilities and was expected to be off limits for the local people, as was the case with the existing mining town of Tembagapura. Protests by the local Amungme people were continuing but had been brutally suppressed by the Indonesian military and by the company's security personnel. Around 40 persons had been killed since May 1994, and many had been removed, or were due to be removed, from their lands.

8. Survival International was very concerned about the increasing use of national military forces or other armed security personnel by transnational corporations to suppress legitimate protests made against their activities. It was difficult to see how international norms and human rights standards could be applied to transnational corporations and how the United Nations should monitor the negative effects of their activities, since they were effectively outside its supervision. Transnational corporations could be condemned only by the international media and public opinion and could be convicted for human rights violations and environmental destruction only through the domestic courts. What action should be taken when the host State was itself more inclined to support transnational corporations than take action against them, as in the cases of the Ogoni people in Nigeria and the Amungme people in West Papua?

9. The ILO Indigenous and Tribal Peoples Convention, 1989 (No. 169) stated that the lack of participation and consultation with indigenous peoples in many transnational corporation projects affected the rights of indigenous peoples to control their own development and to manage their own natural resources. The Amungme leaders had tried to negotiate with Freeport but their complaints had been ignored.

10. Survival International could not accept the lack of accountability and the lack of effective international instruments to prevent transnational corporations from systematically violating economic, social and cultural rights. It therefore urged the Sub-Commission to continue its studies on the possibilities of preventing transnational corporations from depriving peoples of their collective and individual rights, in particular the right to life and the right to development.

11. Mr. ESPINOSA (World University Service), after drawing attention to Commission on Human Rights resolutions 1995/22 and 1995/15, expressed concern about the slow progress being made in the holding of seminars on appropriate indicators for measuring the implementation of human rights and in the preparation of an optional protocol to the International Covenant on Economic, Social and Cultural Rights. He noted that Commitments entered into by Governments at a number of major conferences were also not being observed.

12. Economic, social and cultural rights and civil and political rights had to be treated in the context of development as a whole at local, national, regional and international levels. For a long time many NGOs had been calling for the realization of economic, social and cultural rights, and account should be taken of their accumulated experience.

13. Mr. Bengoa was to be congratulated on his preliminary report on the relationship between the enjoyment of human rights, in particular economic, social and cultural rights, and income distribution (E/CN.4/Sub.2/1995/14), which went beyond the problem of income distribution and contained some innovative ideas on the respective roles of the State and of society. The emphasis on equality of opportunity was most welcome. World University Service, by denouncing inequality of opportunity in access to education and obstacles to academic freedom, was combating impediments to the realization of economic, social and cultural rights, which every effort should be made to remove. It supported the work plan proposed by the Special Rapporteur, particularly with regard to the analyses to be made in respect of the right to equality of opportunity and the link between income distribution and education, as well as the idea that a mechanism should be established for the discussion of economic, social and cultural rights in the United Nations system, since that would contribute to the more effective realization of those rights. It also favoured the promotion of studies on the realization of individual economic, social and cultural rights rather than of studies on the harmful effects of structural adjustments.

14. Ms. KELLER (International League for Human Rights-ILHR) expressed grave concern regarding State obstacles to the realization of economic, social and cultural rights. Often such rights were inextricably tied to the exercise of civil and political rights, and both sets of rights must be promoted simultaneously. Unfortunately, examples of State violations of economic, social and cultural rights were abundant. In some cases Governments forced religious minorities to leave the country or change their religion. In others, State policies of "ethnic cleansing" attempted to create homogeneous nation States out of fundamentally multi-ethnic regions. Moreover, in certain countries restrictions on education and destruction of the environment hindered people's economic ability to provide for themselves and their families.

15. Of the grave violations committed by State Governments, ILHR offered three examples. The first was Burma, now known as Myanmar, where, since taking power following the suppression of the democracy movement in 1988, the State Law and Order Restoration Council (SLORC) had embarked on a policy of "Burmanization". In an effort to abolish the cultures of ethnic minorities, SLORC had instituted a "four cuts" strategy designed to cut minorities off from their language, religion, cultural homes and means of financial support. Under the strategy, ethnic minorities had been systematically deprived of the freedom to promote and preserve their cultural heritage. As part of the programme SLORC banned ethnic minority languages and literature from government schools, while closing hundreds of primary schools in ethnic minority areas, thus denying the minorities an education. As far as economic rights were concerned, SLORC's policies of forced labour and forced relocation had ruined the economic situation of many people, tens of thousands of whom had been forced to work as unpaid porters and human minesweepers for the army. In many villages at least one member of each family had to work for the army for a period of from 10 days to three months, during which he was unable to cultivate his own land and might therefore lose his capacity to survive. Others had been forced to build roads, railways and tourist projects for no pay.

16. In Bhutan, systematic State discrimination against ethnic minorities had resulted in the forced displacement of over 125,000 Bhutanese citizens. In favouring the Drukhpa minority, the Government of Bhutan had discriminated against Bhutanese citizens of Nepalese heritage. With the policy of "one nation, one people", the Government had attempted to change the fundamentally multi-ethnic population of Bhutan by reducing the number of Nepalese in the south. Through policies of intimidation, arbitrary detention and forced evictions, the Government was continuing to obstruct the pursuit of social and cultural rights by minorities. Moreover it used the Nepalese minority as an unpaid and coerced labour force for State projects.

17. In the Islamic Republic of Iran, the Government had persecuted religious minorities and offered relief only when they agreed to recant their beliefs and abandon their cultural rights. It had also practised systematic discrimination against religious minorities in the economic and educational spheres. Since the early 1980s, members of religious minorities had been dismissed from jobs in the Government and the education system merely on account of their religious beliefs, while others had been denied access to higher education.

18. Those three examples demonstrated that the treatment of citizens by certain States was quite contrary to the founding principles of the United Nations, the Geneva Conventions, the International Covenant on Economic, Social and Cultural Rights, and the International Covenant on Civil and Political Rights. ILHR urged the Sub-Commission to press Governments to comply with international standards for the implementation of economic, social and cultural rights.

19. Mr. KHOURI (Union of Arab Jurists) said that his organization considered the International Covenant on Economic, Social and Cultural Rights to be one of the most important treaties concluded by the international community since the foundation of the United Nations. Enjoyment of those rights, particularly the right to development, was declining, especially in the countries of the third world. Symptoms of the decline were increased poverty, the spread of disease, unemployment, insecurity and the deterioration of the environment. Those evils were widespread, even in the industrial developed countries. The reasons for such deterioration were to be found in failure to design adequate development strategies, financial speculation and the expansion of the market economy, without any protection being given to social benefits and security. In addition the practices of the transnational corporations violated the rights of indigenous peoples. Double standards and intervention in the internal affairs of weak countries were among the reasons for the decline of respect for those rights.

20. Referring to the rights stipulated in Article 1, paragraph 3, of the Charter of the United Nations, to article 28 of the Universal Declaration of Human Rights and to articles 2 and 11 of the International Covenant on Economic, Social and Cultural Rights he went on to say that those rights and principles were not being implemented; instead hegemony and violence prevailed, depriving peoples of their means of living and of acquiring food and housing.

21. Among those who were suffering most cruelly were the people of Iraq and their condition had been exacerbated by the economic embargo. For the previous five years the civilian population had been suffering indescribable hardship, particularly children under 5 years of age. Speaking on behalf of 23 non-governmental organizations, he appealed to the Sub-Commission and the Security Council to do everything possible to have the embargo, particularly the oil embargo, lifted. Iraq had done everything required of it by the relevant Security Council resolution.

22. Ms. PARKER (International Educational Development) said that her organization welcomed the final report of the Special Rapporteur on the right to housing (E/CN.4/Sub.2/1995/12) which should greatly assist in the realization of the right to housing and the alleviation of homelessness.

23. The comprehensive recommendations provided a working blueprint for the realization of housing rights and should be taken to heart by all States. It was a matter for regret that the United States fell far below the standards set out by the Special Rapporteur.

24. The United States had the highest figure of homelessness of the developed countries. It was not surprising that other social indicators, including maternal and infant health, adequate psychiatric care, primary and secondary education, other social services, serious economic gaps in racial and ethnic minorities and Indian health services also showed serious deficits. What was so shocking about homelessness in America was that at the national, regional, state and local levels there was barely any planning for its alleviation. The United States carried out none of the strategies set out in paragraphs 157 to 178 of the report.

25. Serious attacks on the economic, social and cultural rights of people occurred in other areas, usually for the purpose of displacing or subjugating peoples for political purposes. Such was the case in the Moluccas which had been invaded and occupied since the early 1950s by Indonesia against the wishes of the people. Since then Indonesia had carried out overt strategies to undermine the economic, social and cultural bases of Moluccan society; for example, traditional Moluccan village leaders (the radjas) had been replaced by Indonesians (usually Javanese). The villages had suffered social disintegration.

26. Indonesia was also using a strategy of transfer of Javanese people into Moluccan areas in a form of ethnic dilution. The Javanese were given the jobs so Moluccans were increasingly unemployed or underemployed. Another economic strategy had been the disruption of the traditional Moluccan harvest of tjenkeh, the spice which had given the Moluccas the nickname of the Spice Islands. The Indonesian Government had introduced its own methods which had greatly reduced harvests, further weakening Moluccan economic viability. Because of the dramatic incursions of Javanese into the Moluccas during the past 15 years, Moluccan youth were increasingly unemployed with no prospects and no education. As was the case in occupied Tibet, Moluccans might soon be a minority in their own land.

27. The land had also become part of a strategy for the economic erosion of Moluccans. The Indonesian authorities confiscated the lands of Moluccans and turned them over to the transmigrant peoples and simultaneously carried out programmes of family planning, such as forced sterilization or forced contraception that had further reduced the Moluccan population. Her organization was convinced that the situation in the Moluccas warranted the attention of the Sub-Commission because of the implications for the Moluccans of the Charter of Economic Rights and Duties of States.

28. In his second interim report on extreme poverty (E/CN.4/Sub.2/1995/15) the Special Rapporteur had referred, in paragraph 20 (e), to actions taken by States to undermine the economic viability of groups as a weapon in ethnic or political conflict. While on the one hand extreme poverty might be the result of patterns of neglect, even benign neglect, some extreme poverty was purposely created for political reasons as was the case in the Moluccas where the Indonesian authorities appeared to be actively seeking the impoverishment of the Moluccan people. Her organization encouraged the Special Rapporteur to look into that phenomenon in Indonesia and other areas. It would also recommend that he should examine material on poverty and children prepared by UNICEF.

29. Mr. GEBRIEL (World Federation of Democratic Youth) said that his organization had actively participated in the process which had led to the Copenhagen World Summit for Social Development, including the International Youth Consultation on Social Development, held in March 1995.

30. The commitments accepted by Heads of State and Governments at Copenhagen could serve as a solid basis for a just and better world if Governments were prepared to follow words with deeds. Youth had however been disappointed that the Final Declaration fell short of their aspirations, especially when leaders had committed themselves once more to continuing economic adjustment and restructuring programmes for poor nations. The Summit had failed to recognize that those measures were the main hindrances to social development or to identify the heavy external debt burdens of developing countries as the major violation of their right to development and the real obstacle to the realization of their economic, social and cultural rights. The World Federation of Democratic Youth believed that any solution other than the complete eradication of external debt would not generate the required development or create meaningful progress because many among the heavily indebted nations were not in a position to benefit from measures such as debt reductions with their current tough criteria. The Copenhagen World Summit's Final Declaration seemed to legalize the illegal practices of the Bretton Woods institutions. Experience had shown that whenever a developing country became indebted to the World Bank and eventually followed the IMF dictates, it had taken the first step to undermining development. The macro-development project models advocated by the World Bank had proved to be a negative answer to the needs of developing nations where the majority of people, youth included, lived at subsistence levels depending entirely on the informal sectors which lacked the necessary social protection.

31. A flagrant violation of the economic, social and cultural rights of people had been the 100 per cent devaluation of the African Franc imposed in 1994 by France and the IMF on more than 10 countries in west and central

Africa. Because of that measure millions of poor people in the African Franc Zone had been thrown further into abject poverty and sickness. In many areas it had become virtually impossible for people to secure sufficient quantities of their daily basic needs. Africans should regard such an externally imposed devaluation as a devaluation of human dignity and a degradation of the self-esteem of the people. Currency devaluation in developing countries usually meant a devaluation of labour compensation and a decline in people's earnings. In one African country, for example, a qualified worker in public service earned an average salary equivalent to $10 per month while the average salary of his counterpart in any developed country was 100 times higher.

32. The Bretton Woods institutions were the armies of the rich countries of the world and economic adjustments and restructuring programmes were their weapons of mass destruction of the meagre resources left to the developing countries. The Bretton Woods institutions should be dismantled and the international community should consider the creation of just and democratic financial institutions to replace them. In that process the United Nations should take the lead.

33. The 30 years blockade imposed by the United States against Cuba was a flagrant violation of the Charter of the United Nations and of the norms of peaceful coexistence. The World Federation of Democratic Youth called upon the United States to lift the blockade. In Iraq and Libya, children, women and men were incurring immense suffering and hardships because of the United Nations sponsored economic sanctions. Those sanctions deprived the peoples of those countries of their right to development and the realization of their economic, social and cultural rights. He urged the Sub-Commission to use all measures at its disposal to have those sanctions lifted.

34. Ms. LITTLE (Andean Commission of Jurists) said that the enjoyment of economic, social and cultural rights was closely linked to the access of citizens to minimum social services and to the absence of extreme poverty. Enjoyment of those rights was an indivisible part of human rights as a whole.

35. The countries of the Andean region faced serious problems in those respects. According to the United Nations Development Programme more than 30 million people lived in extreme poverty in those nations and more than one and a half million children suffered from chronic malnutrition.

36. It was true that the Gross National Product of those countries was low and that increasing the wealth of the countries was a matter of priority. It was no less true that a serious problem in income distribution existed and was a situation which could be improved by clear political decisions. The States of the region devoted less than 3 per cent of GNP to health and education programmes which barely satisfied the minimum needs for an effective struggle against poverty. The poorest 40 per cent of the region received 10 per cent of national income while the richest 5 per cent received a little more than 30 per cent.

37. Priority was given to the stabilization of macroeconomic indicators in economic policies and the Andean region was no exception. Policies were geared to a reduced role for the State and had been beneficial for inflation and fiscal deficits.

38. The international system for the protection of human rights must take account of the evolution of the principal contemporary problems which had been clearly set out in the final report of the Special Rapporteur on the realization of economic, social and cultural rights (E/CN.4/Sub.2/1992/16). In order to analyse those issues further, the Andean Commission of Jurists had convened a group of international experts to the IV Regional Seminar held in Caracas from 19 to 20 June 1995. The Centre for Human Rights had participated in that seminar which had reached a number of conclusions and recommendations.

39. Greater use must be made of existing mechanisms in the international system for the protection and promotion of human rights by extending their mandate into the field of economic, social and cultural rights. The process should be started by making the greatest possible use of mechanisms already in existence while incorporating additional measures for their improvement. In that connection, it was important that the International Covenant on Economic, Social and Cultural Rights should be supplemented by an additional protocol enabling persons to submit individual or collective claims for infractions of obligations in the Covenant.

40. It was also essential that progress should be made in the conception and development of economic and social indicators from a human rights perspective. Bearing in mind that there were already elements for the construction of such indicators in the fields of health, education and housing, greater progress could be made in that direction through an analysis of certain rights separately on the basis of their applicability to different population sectors. The Sub-Commission should take account of that need.

41. The topic of economic, social and cultural rights should be placed in the context of grass-roots participation, based on the essential participation of citizens as a central element in the activities of the international protection agencies.

42. The concept of justice being done should not be related exclusively to judicial proceedings but should rather be a broad concept of supervision by monitoring bodies.

43. Finally, it was a matter of urgency to prepare specific studies on certain economic and social rights particularly the rights to health, education and work. Existing United Nations studies on other rights such as food and housing could be amplified and brought up to date. The methodology used should make it possible to specify the terms of minimum obligations as the point of departure while observing the principle of non-discrimination.

44. The Sub-Commission should continue to produce studies on those and other issues, using as the point of departure the final report of the Special Rapporteur on economic, social and cultural rights. It was specially important that the studies on the right to housing and extreme poverty should be complemented by others relating, for example, to the role of external assistance and military expenditures as obstacles in the way of the development of those vital rights.

45. Mr. KOTHARI (Habitat International Coalition) welcomed the final report of the Special Rapporteur on the Right to Adequate Housing (E/CN.4/Sub.2/1995/12) and urged the Sub-Commission to implement its detailed recommendations.

46. The sad fact was that the right to housing as a human right was currently under assault by several Governments, most notably that of the United States. As the Special Rapporteur had pointed out in his report, the United States had begun publicly to assert that the right to housing did not exist and, by inference, that any activities on that right by any United Nations organ should be challenged. The ideologically motivated fervour with which the United States had openly tried to undermine the human right to adequate housing was a serious threat to a right which had been recognized under international law for nearly five decades and which numerous national jurisdictions had enshrined in law. Fortunately, the United States position had been widely condemned from all parts of the world.

47. Much remained to be done by the United Nations system. Habitat International Coalition considered that it would be appropriate if the Special Rapporteur on the right to adequate housing was given the opportunity to submit an additional report to the Sub-Commission at its next session in which he might expand his analysis of standard-setting and his indicator-based framework for monitoring progress and the enjoyment of housing rights. Habitat International Coalition strongly urged the Sub-Commission to continue the mandate of the Special Rapporteur for a further brief period.

48. The past year had again been witness to countless violent acts of forced evictions in many countries resulting in the permanent displacement of many millions of innocent dwellers. Habitat International Coalition had received numerous reports of killings, beatings, arbitrary arrests, torture, severe harassment and other human rights violations carried out against persons and groups campaigning against forced evictions.

49. On 8-9 August 1995, police in the Brazilian State of Rondonia had resorted to extreme acts of violence while evicting over 1,300 landless peasants who had occupied Hacienda Sta. Eline, killing 40 people, seriously injuring over 100 and detaining hundreds of others; 500 people were still missing. Such ruthless acts of violence must be condemned by the Sub-Commission and Habitat International Coalition called upon the Government of Brazil to initiate an immediate public inquiry into the eviction-related killings and related human rights violations in Rondonia.

50. In Nairobi, the offices of Kituo Cha Shariah, an NGO frequently involved in anti-eviction and land conflict cases, had been repeatedly fire-bombed, its staff harassed and threatened since the beginning of 1995.

51. China's eviction record was dismal. City officials in Shanghai had admitted that more than 100,000 residents were currently being evicted to the edges of the city. The situation facing inner-city dwellers in Beijing closely resembled that of Shanghai. Leaked World Bank reports concerning involuntary resettlement in China had asserted that more than 30 million persons had been forcibly resettled by the Chinese Government during the past 40 years. The recently approved Three Gorges Dam project on the

Yangtze River would forcibly displace up to 1,300,000 people. It had also been reported that the Xiao Landi dam proposed for the Yellow River would displace up to 190,000 persons. According to Human Rights Watch/Asia, the collapse of dams in Henan province in central China in August 1975 had led to the deaths of as many as 230,000 people.

52. In Chinese-controlled Tibet demolitions had affected well over 5,000 Tibetans and threatened 10,000 more.

53. In Lae, Papua New Guinea, more than 1,000 persons had been violently removed from their homes and settlements prior to the volcanic eruption in Rabaul.

54. Bhutanese refugees had recently claimed that the Government of Bhutan was currently auctioning lands, houses and other properties belonging to refugees from southern Bhutan, making any return to their homeland effectively impossible.

55. In Bombay, India, more than 6,000 persons had been evicted between July and December 1994 according to the Asian Coalition for Housing Rights. Military motivations played an often dominant role in large-scale removals in India. A new plan to construct the Netarhat field firing range in Bihar would result in the forced eviction of 235,000 tribal people. The Sardar Sarovar project (the Narmada dam) continued to cause untold hardship to those already displaced.

56. In the Middle East, Israel continued to have the worst record of systematic evictions. In occupied East Jerusalem, the Israeli authorities continued to confiscate land, expand settlements and serve eviction orders to the Palestinian residents of the city. Within the border of Israel itself the evictions of Arab citizens of Israel continued; the situation was particularly adverse for the Bedouin Arabs living in the Negev. Every year hundreds of Bedouin were forced to pay fines, to demolish their own homes and return to live in tents, buses and with other family members in overcrowded areas.

57. The Government of Venezuela was utilizing national security legislation to carry out forced evictions in the area of El Hornito in Zulia State under pressure from the Government-owned Pequiven petrochemical company.

58. In Tacamiche, Honduras, more than 460 banana workers of the Chiquita company and their families had been forcibly evicted on 26 July 1995.

59. In Turkey, according to the Human Rights Association of Turkey, over 2,000 Kurdish villages and hamlets had been either totally or partially destroyed during the past three years. Those acts of massive brutality were particularly callous coming as they did from the Government of Turkey which planned to host the Habitat II Conference in 1996.

60. Forced evictions were not the monopoly of the developing world. Over 10,000 earthquake victims in Kobe, Japan, were threatened by the local government with forced eviction to wholly inadequate temporary units more than two hours from the city centre.

61. In the United Kingdom 144,000 private sector tenants faced harassment and/or illegal eviction annually, according to the London-based Campaign for Bedsit Rights.

62. Habitat International Coalition would shortly begin issuing country-specific resolutions on States where the practice was particularly systematic. It also recommended that the report on guidelines on forced evictions and international events should be substantially revised.

63. Mr. HAKIM said that he would like to emphasize one point in connection with the excellent report by the Special Rapporteur on the question of human rights and extreme poverty (E/CN.4/Sub.2/1995/15) and that was that it had demonstrated clearly that extreme poverty involved a total denial of every kind of human rights. Further research and study on the issue must be undertaken.

64. Developed countries had a system for tackling extreme poverty through welfare benefits which were available in almost all those countries. By and large the third world countries did not have such a system for individual poverty. It was, however, heartening to see that one or two countries among the developing countries were supporters of a system of welfare benefits. An example was the system prevalent in the province of West Bengal in India where the Chief Minister, over the previous 10 to 15 years, had introduced a system which had been of considerable help to the people of that State.

65. He suggested that detailed studies on extreme poverty and welfare benefits should be prepared so that further recommendations might be brought to the Sub-Commission.

66. On the issue of housing, it seemed that a controversy had started as to whether housing was a type of human right or not. In his view a person lacking a house had nothing. Common law, which was the basis of most European law, was based on the principle that a man's home was his castle, however small. He was aware that, even in the richest countries, large segments of the population were deprived of housing. The report of the Special Rapporteur on the right to adequate housing (E/CN.4/Sub.2/1995/12) had opened up a number of questions and paragraphs 141 to 143 needed to be given special attention. He would suggest that the report should be circulated to States Members of the United Nations and that their reactions should be requested. The reports sent by individual States should then be gathered together and after studying them the Special Rapporteur should be permitted to produce a final report.

67. Mr. DAMARY (Foodfirst Information and Action Network (FIAN)) said that his organization welcomed the report of the Secretary-General (E/CN.4/Sub.2/1995/10) on a preliminary set of basic policy guidelines on structural adjustment programmes and economic, social and cultural rights, for it had highlighted a link that had for too long been ignored. The report rightly reiterated important passages from the report of the Special Rapporteur on the realization of economic, social and cultural rights (E/CN.4/Sub.2/1992/16), in which he had indicated the harm often done to the enjoyment of those rights by structural adjustment programmes, and the responsibility of the international financial institutions in that regard.

68. The guidelines, however, still left much to be desired. They moved from the observations and recommendations of the Special Rapporteur into very general developments on economic growth, development, social justice and the like, without relating those terms to the body of international human rights law. While agreeing that Governments had the primary obligation with regard to human rights, FIAN questioned the emphasis on the State throughout the document, which hardly mentioned the international financial institutions; even though, as the Special Rapporteur had pointed out in his final report, they advocated conditionalities that were incompatible with the realization of economic, social and cultural rights and they had a decisive influence in national and international economic decision-making and consequently on the social and political policies of indebted countries. The guidelines must address the influential role of the World Bank and the International Monetary Fund (IMF) and their obligations with regard to human rights. Only when the two institutions acknowledged their obligation to respect and promote human rights would individual States negotiating with them be able to design effective policies that took those standards into account.

69. Furthermore, the guidelines omitted any reference to the responsibility of States when acting through multilateral agencies like the financial institutions. Paradoxically, there was a call for an international code of conduct for transnational corporations but no call for a code of conduct for multilateral institutions.

70. FIAN recommended that the next set of guidelines should specifically consider the implications of structural adjustment programmes on the enjoyment of economic, social and cultural rights; acknowledge the primary role of the World Bank and IMF in designing and implementing structural adjustment programmes and the relatively uneven partnership between the two institutions and individual debtor countries; recognize the explicit international human rights obligations of the two institutions, which had priority over their contractual obligations to individual debtor countries; advocate the drafting of an international human rights convention for specialized agencies in which their obligations were confirmed and monitoring procedures established; demand full cooperation of the specialized agencies, especially the international financial institutions, in monitoring the effect of structural adjustment programmes on the enjoyment of human rights by all segments of the population.

71. Ms. NEURY (Centre Europe-Tiers Monde (CETIM)) recalled that the alternative Copenhagen declaration adopted by the NGO Forum at the 1995 World Summit for Social Development had urged the establishment of a new North-South partnership that would give priority to the cultures, development choices and long-term strategies of the nations of the South rather than the North, and had emphasized the enjoyment of economic, social and cultural rights as the absolute prerequisite for social development in the fullest sense, one in which all ranks of society would participate, especially the vulnerable and the marginal.

72. Given a partnership of that type, which respected both the different approaches to development reflecting economic, social and cultural conditions and the views of trade unions and grass-roots organizations, it would be possible to respond in a fresh way to community needs, encourage individual talents and benefit from the rich traditions of each people and from

appropriate technology as it developed. There was no choice but to reject the dominant global economic model in order to eradicate the debt burden. CETIM proposals on that score would be found in document E/CN.4/1995/25/Add.1 (paras. 30-41).

73. An optional protocol to the International Covenant on Economic, Social and Cultural Rights should be adopted, in order to allow communications to be submitted regarding violations of those rights, and the perpetrators to be unmasked. CETIM accordingly welcomed the interim report of Mr. Guissé on opposition to the impunity of perpetrators of human rights violations (economic, cultural and social rights) (E/CN.4/Sub.2/1995/19) and urged him to expand on his recommendations; and it agreed with Mr. Bengoa, the Special Rapporteur on the relationship between the enjoyment of human rights, in particular economic, social and cultural rights, and income distribution, at both national and international levels, that it was crucial to create a "forum for discussion" on economic, social and cultural rights. In that connection, all members of the Sub-Commission were invited to the international symposium on the World Trade Organization being organized by CETIM in November.

74. It noted with concern, however, that the Commission on Human Rights was not making a forum for discussion one of its priorities. Indeed, a larger number than usual of countries of the North, which normally abstained on the question, had in the last session voted against a draft resolution submitted to the Commission by Cuba on the impact of structural adjustment on the enjoyment of human rights. Their resolute opposition could be explained by the innovative elements in the draft resolution, such as the call for dialogue between debtor and creditor nations on the basis of the principle of shared responsibility, and for the establishment within the Centre for Human Rights of the unit for the promotion of economic, social and cultural rights. Whereas the countries of the South tended to voice demands, those of the North tended to remain silent; and that same unfortunate pattern had emerged in the resolution adopted on the right to development.

75. CETIM asked the Sub-Commission to recommend that the Commission should do everything possible to establish, as soon as possible, a dialogue and a forum for discussion on economic, social and cultural rights. It was imperative to address the root causes of the poverty, social and cultural disintegration and economic disorder in the world, in order once again to situate the human being at the heart of the process of development.

76. Ms. SPALDING (Indigenous World Association), giving a sampling of specific projects and practical mechanisms that would be of interest to the Sub-Commission, referred to the Indigenous Games that would be sponsored in 1996 by World Win, an organization of indigenous peoples. Cultural exchanges as well as sports competitions would be an important part of the Games, and the event, to which the members of the Working Group on Indigenous Populations had been invited, would be part of the fiftieth anniversary celebrations of the United Nations Educational, Scientific and Cultural Organization (UNESCO).

77. There were plans, spearheaded by an indigenous artist who was a non-governmental organization observer at the Sub-Commission, to establish a new non-governmental organization, Artists Without Borders, which would create

an independent financial base for such artists, facilitate exchanges and also monitor the human rights of persons in the arts, who were often the target of political harassment. The International Museum of Twentieth Century Art was encouraging the participation of indigenous artists in its opening exhibition, "Art Beyond Borders", which it was organizing in conjunction with UNESCO for its fiftieth anniversary in 1996.

78. It had been said that indigenous peoples might well be the key to the development of economic, social and cultural rights, and indigenous young people were determined to participate in their realization. The Earth Train programme, described the previous year and praised as unique by Bishop Desmond Tutu, was progressing well, with a rain forest reclamation project currently under way in Puerto Rico.

79. The Indigenous World Association endorsed Mr. Bengoa's view that the vast communications network had to be utilized to achieve more equitable economic development, social and cultural exchange and enrichment, and an expanded educational system that really allowed indigenous peoples to take part in developing cultures of peace. In practical terms, several indigenous groups had recently enlisted her help in facilitating broader exchanges between indigenous peoples, non-governmental organizations and others in the international community. Earth Spirit was one such exchange, offering access to the global network of communications systems. It was the opinion of indigenous elders and other advisers that community discussions and so-called "listening circles" must continue and were the essential base for such networking among individuals, but that electronic networking might be a useful additional tool.

80. Ms. SPALDING (International Association of Educators for World Peace), said that the forum provided by the Sub-Commission had long kept to a minimum the politicization of issues fundamental to a world peace based on human rights. Every individual was, in a sense, an educator for world peace, and the forum for discussion called for by the Special Rapporteur on the relationship between the enjoyment of human rights, in particular economic, social and cultural rights, and income distribution must include full use of modern communications networking, which must be made available to all strata of society. Such a forum must include a broad spectrum of indigenous peoples, from the elders to the youngest, who had to be engaged as partners in education and in implementation and follow-up. She encouraged the Special Rapporteur to make contact with them and with the most marginalized when proceeding with his report, for participation was often one of the best forms of education.

81. The arts and the media also had a special role to play in any forum touching on educational, social and cultural rights, and some from their ranks were in fact present at the Sub-Commission. Some of the key people in the communications industry had to be involved squarely in the process of the Sub-Commission's work, not merely as observers but as participants who could provide rich resources. It was to be hoped that during the fiftieth anniversary celebrations of the United Nations Organization for Education, Science and Culture (UNESCO) and the United Nations Children's Fund (UNICEF), groups like the Artists' Rights Foundation, whose members included luminaries in the cinema, would be involved in effective advancement of human rights

through the powerful means of art. She invited the members of the Sub-Commission and the observers attending its meetings to sponsor the "Art Beyond Borders" exhibition being organized jointly by the International Museum of Twentieth Century Art and UNESCO.

82. Another exciting project to which they were invited was the African Marketplace and Cultural Fair, regularly hosted by the city of Los Angeles: an extension of the Los Angeles project would be held in Geneva in 1996 during the Sub-Commission's meetings. African Marketplace explored and created global economic relations between countries, communities and people of the African Diaspora, sought to combat xenophobia and promoted cultural tourism.

83. Project PROCEED, the Poly Regional Council for Ethical Economic Development, was still being planned and had attracted the interest of the Raul Wallenberg Institute of Ethics, the World Peace Conference and the International Labour Organization. There again, the Sub-Commission's input was warmly invited.

84. Those few positive projects should serve as an encouragement for all who were working so diligently for the realization of economic, social and cultural rights.

85. Mr. Guissé took the Chair.

86. Ms. KALNIETE (Observer for Latvia) said that on 4 May 1990, the date on which its independence had been restored, the Republic of Latvia had declared it would accede to 51 human rights instruments as an indication of its political will to adhere to the standards they set. At the time of that declaration, Latvia's sovereignty had not yet been recognized and Soviet law was still in force. During the last five years, the Latvian Parliament had incorporated into existing Latvian law the norms of those international instruments, especially those of the United Nations and the Council of Europe, and had cooperated with their experts in formulating all major human rights legislation.

87. Latvia had submitted its initial report to the fifty-fourth session of the Human Rights Committee, whose recommendations had confirmed the Latvian authorities in their conviction about the need to set up an ad hoc body to maintain a continuing dialogue with all the expert committees.

88. Although the number of States parties to the various human rights instruments had greatly increased in recent years, the Committee on Economic, Social and Cultural Rights still continued to meet once a year. Latvia recommended that the Sub-Commission should propose to the General Assembly that the Committee should meet twice a year to deal with its increased workload.

89. Her Government had carefully studied the recommendations of the United Nations World Conference on Human Rights and had accordingly adopted a National Programme for the Protection of Human Rights in Latvia, described in document E/CN.4/1995/146. The Programme aimed to expand the understanding and awareness of human rights and to guarantee that the whole population received information on the rights of individuals and the responsibilities of the State

and its institutions. The rights of those who had no way of defending themselves - children, the mentally ill and the disabled - received particular attention.

90. Latvia was grateful to the international agencies that had helped it to formulate its National Programme, in particular the United Nations Development Programme (UNDP) office in the country.

91. In July, her Government had decided to set up a Human Rights Office as an independent institution for the promotion and protection of human rights, on the basis of the National Programme, the international human rights instruments and the Latvian Constitution. Its three major functions would be to provide information on human rights, ensure access to information on rights and responsibilities, and mediate complaints by individuals and, if possible, resolve them. In order to give the Office greater standing, its director was nominated by the Cabinet of Ministers and appointed by Parliament for a four-year term.

92. The armed conflicts currently ravaging Bosnia and Herzegovina, for instance and Chechnya, to which Latvia could not remain indifferent because of its own past experience of occupation, were the most serious form of human rights and humanitarian law violations, because they were directed essentially against the civilian population and denied their civil, economic, political and cultural rights. The international community must bring the States committing those crimes to justice and see to it that they compensated their victims.

93. Mr. SALMAN (Observer for Iraq), noted that the achievement of any progress in the area of the right to development would require the implementation of certain national policies and the creation of fair economic relations and a favourable climate, on the international level. It was regrettable, however, that the development issue was in danger of being downgraded, and many countries tended to shirk their obligations towards developing countries. The absence of the prerequisites for development almost certainly aggravated the international tensions suffered as a result of the lack of or ineffective development programmes.

94. Confronting harsh social and economic conditions was but a starting point in the development process, and poverty, disease and illiteracy had to be regarded as the most urgent priorities. Greater emphasis must be put on education as an important and positive force for proper behaviour and thinking and for the development of the human being.

95. Considering the case of Iraq, a country with an ancient civilization and a long history of respect for the individual and his rights, and one which had promulgated the first law in human history, its contributions to human civilization were being endangered and paralysed. Its people, owing to the hardships caused by shortages of food and medicine were compelled to concentrate their efforts on securing basic needs and could no longer pursue culture or knowledge.

96. His country was facing an unprecedented challenge as a consequence of the sanctions imposed on it, and there was no guarantee that the prevailing conditions would not breed extremism. A high rate of inflation and complete economic paralysis had led to severe shortages of goods and services and drinking water, the collapse of the health and education systems, and the spread of disease and environmental pollution, not to speak of rising crime. The sharp deterioration in the value of the local currency had exacerbated the problem of soaring inflation and prices. There had also been a sharp increase in mortality rates as a result of the economic embargo; the deaths of children under five had increased almost two-hundred-fold since the embargo.

97. The continuation of the economic embargo against Iraq constituted a grave and serious infringement of the interests of the people of Iraq and a special case in international relations. The United Nations Secretary-General himself had indicated in his supplement to "An Agenda for Peace" (A/50/60-S/1995/1) that in the use of sanctions care should be taken to avoid giving the impression that the purpose of imposing sanctions was punishment rather than the modification of political behaviour, or that criteria were being changed in order to serve purposes other than those which had motivated the original decision to impose sanctions. That statement applied fully to the measures being taken against Iraq, where the stipulated goal was constantly being changed for political ends.

98. The observer delegation of Iraq called upon the Sub-Commission to assess the situation with which Iraq was confronted together with its impact and repercussions on Iraq's development policies and on regional and world peace in general.

99. Mr. LILLO (Observer for Chile), expressed his Government's concern at the dimensions and extent of poverty and extreme poverty as a global reality that affected all nations, not merely the developing countries. Reliance on statistical indicators alone gave a distorted view of the problem of poverty, because they did not reveal the serious imbalances within societies or the unequal relations among States. The serious impact of structural adjustment upon the developing countries and especially their poorest sectors was another matter of concern, as was the need for concerted international action based on cooperation, to cope sympathetically with the growing and alarming global reality of poverty. The various Special Rapporteurs dealing with the issues of adequate housing, income distribution and extreme poverty had made a valuable contribution in their studies to analyses, discussions and guidelines that would lead to correct decisions being taken in the field of social development.

100. Regarding the preliminary report on the relationship between the enjoyment of human rights and income distribution (E/CN.4/Sub.2/1995/14), he agreed with the Special Rapporteur's critical view of the seriousness of the problem of poverty and the alarming way in which it was spreading, the increasing gap between rich and poor, the absence of equitable conditions, and the dangerous impact of social exclusion and the serious discrimination it entailed, both nationally and internationally.

101. Chile also attached great importance to the World Summit for Social Development, because it had been a significant milestone and an indispensable reference point in the field of social development for any action taken by Governments, international organizations, civil society and all those involved in efforts to combat and eradicate poverty. Hence the enormous importance of the follow-up to the Summit, in which international cooperation would certainly have a decisive role.

102. The work following on from the World Summit for Social Development would not be easy. It would require comp ehensive approaches and concerted efforts and, above all, a degree of political will in order to implement effectively the agreements reached in Copenhagen. Real progress made in an area where the absence of real accountability meant that success or failure depended largely on the goodwill of States.

103. In that context, what the Special Rapporteur on the relationship between human rights, in particular economic, social and cultural rights, and income distribution had described as "the right to opportunity" took on particular importance. The degree to which that right was realized would show the actual degree of commitment by States and would also show how much good faith and political will there really was, in the face of a problem which had both ethical and political dimensions.

104. The Special Rapporteur had rightly emphasized the importance of creating minimal acceptable standards for the enjoyment of economic, social and cultural rights, as well as for the enjoyment of civil and political rights. That demonstrated that there was a manifest interrelationship and interdependence between all human rights, including the right to development, and that they all had to be placed on an equal footing. The premise put forward at the World Conference on Human Rights, namely, that the absence of development could not be invoked to justify the abridgement of civil and political rights should also be borne in mind.

105. The observer delegation of Chile attached great importance to the Sub-Commission continuing to work towards the eradication of poverty. The commitments undertaken at Copenhagen offered ample scope for discussion and international action in the context of the follow-up process, and the Sub-Commission could make valuable contributions by encouraging studies aimed at reinforcing action at the practical level, as well as by its diagnoses, definitions and policy guidelines. In addition, the inclusion of a sub-item entitled "Follow-up to the World Summit for Social Development" in the item on the realization of economic, social and cultural rights could enable the Sub-Commission to become a forum for dealing with the follow-up to the Copenhagen Summit.

106. The studies considered so far and any future studies conducted under the broad heading of economic and social development would inevitably form an important part of that follow-up process and would unquestionably contribute to the promotion and better implementation of economic, social and cultural rights, including the right to development.

107. Mrs. DUPUY (Observer for Uruguay) said that her observer delegation greatly appreciated the preliminary report prepared by the Special Rapporteur on the relationship between the enjoyment of human rights and income distribution (E/CN.4/Sub.2/1995/14). The Special Rapporteur had highlighted the fact that a broad discussion within the Sub-Commission could contribute towards a better realization of economic, social and cultural rights by generating positive proposals for effective cooperation on the part of the United Nations system.

108. The Sub-Commission needed to give careful consideration to the obstacles which currently impeded the full realization of those rights. The Declaration on the Right to Development 1986, the Vienna Declaration and Programme of Action of 1993 and in the Declaration and Programme of Action adopted by the World Summit for Social Development in 1995 had all recognized that human rights and fundamental liberties were indivisible and interdependent. The exercise of civil and political rights was necessarily dependent on the exercise of economic, social and cultural rights and vice-versa. Full participation in the civil and political life of a country was inconceivable if certain minimum basic needs, such as education, to enable its citizens to live in dignity, were not satisfied. Social tensions were likely to affect the political stability of a country. States therefore had an obligation to devote, within their financial possibilities, the resources needed to realize economic, social and cultural rights or, in other words, to create opportunities for personal development. That meant removing the obstacles to the creation of equal opportunities and for achieving minimum standards. The resources available at the national level should be used efficiently to ensure sustainable social development. At the international level, given the high level of global interdependence, international assistance and cooperation were needed to ensure that all countries were given equitable opportunities for development.

109. The human person was at the centre of any viable development policy without discrimination of any kind. The rights of migrant workers must be respected. The phenomenon of economic migration underscored the fact that all countries in the world were now interdependent, that international cooperation was paramount and that national, non-discriminatory policies were required. National solutions to promote the realization of rights were needed, together with international cooperation and regional integration. The similar needs of many countries pointed to the desirability of an exchange of experience and a search for common solutions.

110. One positive measure at the international level was the creation of favourable conditions for negotiating the foreign debt, in order to free existing resources to enable them to be used for social development. That should be complemented by the abolition of policies of protectionism and export subsidies which adversely affected the economies of the developing countries.

111. For those reasons, the work which the Sub-Commission and the Working Group on the Right to Development was doing and could do was of great importance. She urged that the common quest by Governments, civil society and international agencies for positive proposals in the context of the United Nations system would continue.

Statements equivalent to the exercise of the right of reply

112. Mr. UGROSENO (Observer for Indonesia), referred to a statement made on the previous day by a representative of the Regional Council on Human Rights in Asia. It was clear from the statement, which had been replete with falsehoods and malicious misrepresentations, that the NGO in question was waging an international political campaign against Indonesia.

113. To begin with, the NGO had referred to the loss of jobs by media workers after the banning of two magazines, Tempo and Editor, and one tabloid, DeTik. However it had failed to mention that the Government had issued a new licence to the former Tempo employees, who had established a new magazine, Gatra, in November 1994, and another licence to the owner of the defunct Editor to publish a new weekly magazine entitled Tiras at the end of January 1995. It had also failed to mention that the former Editor-in-Chief of Tempo had brought the decision of the Minister of Information to the State Administrative Court in Jakarta in May 1995, and that the Court had recently overturned the Ministry's decision. The Ministry of Information had since appealed the ruling.

114. Secondly, the NGO had claimed that the Indonesian Government violated the rights of millions of industrial workers by fixing a minimum wage of only Rp. 3,800. In fact, the truth of the matter was that the Government on 3 January 1995 had announced an increase in minimum wages of between 10 and 35 per cent in 19 provinces, effective from 1 April 1995. As a result, the minimum daily wage level in Jakarta, for example, had been raised to Rp. 4,600. That figure did not include incentives and other fringe benefits.

115. Contrary to the NGO's allegations, the Indonesian Government in its Ministerial Decree No. 01/1994 had expressly given workers the right to form local labour unions without being obliged to join SPSI, the State labour union. Furthermore, ministerial Decree No. 3/1992 had clearly stated that labour disputes were to be resolved without any intervention by the security apparatus. SPSI had been restructured into a federation of 13 sectoral unions, allowing each union to function more independently and professionally. In addition, in the last 18 months, independent, democratic unions at company level had been established in over 800 companies. Some of them had successfully concluded collective labour agreements.

116. Turning to the case of SBSI, he recalled the statement of Mr. Sanjeeva Reddy, Group Leader of the ICFTU mission to Indonesia two years previously, that the SBSI was not a true trade union movement but only a group of people sympathetic to the struggle of workers, a fact which the NGO had failed to mention in its statement. It had also failed to state that the leader of SBSI had been released on completing his term of detention period and that there had been no final verdict. It had also suppressed the very important fact that the Supreme Court had recently ruled on the case of Marsinah.

117. Another fact which had been ignored in the statement was that the Government, through the Ministry of Manpower, had signed an agreement with the International Labour Organization (ILO) aimed at improving living standards

and the purchasing power of industrial workers. Under the terms of the agreement, the ILO would provide legal and other technical expertise to help Indonesia update its labour legislation.

118. The NGO had accused Indonesia of gravely damaging the economic rights of the people through the so-called "wave of land disputes". In fact, the National Commission on Human Rights had resolved 343 cases during its 1994 working year, of which 101 related to land disputes. That fact had been overlooked by the NGO.

119. The NGO had also alleged that anyone wishing to fight for their basic economic rights was accused of sabotaging development and threatening national stability. That was yet another blatant lie. The Government of Indonesia had never claimed that the fruits of development were enjoyed by all to a satisfactory level. According to a national socio-economic survey in 1993, 25.9 million people were still living below the poverty line in Indonesia, and 66 per cent of those people were in rural areas. In the same year, over 20,000 villages, or 31 per cent of the total number, had been classed as "left behind" and nearly 4,000 or 6 per cent, had been classed as the poorest. In order to overcome that situation, the Indonesian Government had implemented a Presidential Instruction Programme on Poverty Alleviation (IDT). The IDT was a special scheme to help poor people living in villages to create their own opportunities. Seed money of Rp. 20 million, or approximately US$ 10,000, had been channelled to each of the IDT villages and was managed by volunteers, genuine NGOs and social workers to allow the poor to develop their economic and agricultural potential. The scheme had been praised by the World Bank and many members of the international community.

120. With regard to the question of the Moluccas, it was worth bearing in mind that when Indonesia gained its independence, the colonial Power had attempted to divide and conquer by creating satellite States. That attempt had been resisted. Some of the local people, including Moluccans who had been recruited as mercenaries by the colonial Power had fled with their masters. They had been behind terrorist attacks in Indonesia, the facts of which were well documented. Those acts had included raiding the Indonesian Embassy in The Hague, the hijacking of trains, and attacks on Indonesia's air travel agents. As recently as April 1995, they had again attempted to raid the Indonesian Embassy in The Hague. Today, they were spreading lies in the Sub-Commission.

121. Mrs. LEVY-FURMAN (Observer for Israel) referred to comments made the previous day by the Special Rapporteur on the right to adequate housing and to statements by small groups claiming without any authority to represent the Arab population of Israel. Without wishing to enter into a debate on the issue, she wished to draw attention to a statement made by the Israeli Minister of Housing on 15 June 1995 introducing his Ministry's programme for 1996, which he had declared to be a year of coexistence between all elements of Israeli society. In that statement, he had also announced that particular attention and greater financial resources would be devoted to developing and improving the towns and villages in which the various components of Israel's population lived side by side.

122. The CHAIRMAN invited the Special Rapporteurs to present their concluding statements on the comments which had been made by the Sub-Commission.

123. Mr. BENGOA, Special Rapporteur on the relationship between the enjoyment of human rights in particular economic, social and cultural rights, and income distribution, said that the support for his preliminary report (E/CN.4/Sub.2/1995/14) from expert members of the Sub-Commission, governmental representatives and various non-governmental organizations had been very gratifying. He had noted that most of the statements he had heard had favoured the idea of making the Sub-Commission into a forum to study economic, social and cultural rights, within the framework of the decisions taken at the World Summit for Social Development. He would welcome further suggestions as to how the Sub-Commission might best take on that role and suggested that the idea should be developed in a future resolution of the Sub-Commission. One of the suggestions made, to which he himself was favourable, was that a sub-item on the follow-up to the World Summit should be established under agenda item 8.

124. A number of the comments had emphasized the need to achieve tangible progress on an additional protocol to the International Covenant on Economic, Social and Cultural Rights to provide mechanisms for dealing with individual complaints, to establish international legislation and to achieve progress on the issue of accountability. It was an important area and a good deal of attention would need to be focused on it.

125. There had been some discussion on the question of indicators. Some work had been done on that by Mr. Danilo Türk in his final report on the realization of economic, social and cultural rights (E/CN.4/Sub.2/1992/16), which would form a useful basis for joint work on the question of indicators with Mr. Despouy with a view to developing a coherent system of indicators on extreme poverty and on the realization of economic, social and cultural rights.

126. A point which had been raised during discussion of the report had concerned development assistance as a key element in income distribution. In that context, there had been suggestions that institutions such as the World Bank should consider establishing human rights departments to assess the impact of their programmes on human rights, especially economic, social and cultural rights.

127. There had been some discussion on the issue of equality of opportunity, and he noted the comments which had been made in particular by the American Association of Jurists. His understanding of the concept was quite clear, and was based on the systematic effort to eliminate the various social and economic factors which acted as barriers to opportunity. States had a duty to take measures to eliminate such obstacles. Consideration needed to be given to measures such as positive discrimination aimed at assisting particular population groups. He was in full agreement with the American Association of Jurists that poverty in its various manifestations - low wages, poor working conditions, lack of regulation, child labour and so forth - could not legitimately be used by countries to secure economic advantage. That, too, was a very important aspect of the overall issue of income distribution which would need close consideration.

128. Some NGOs had also, rightly, drawn attention to the relationship between education and income distribution and stressed the importance of education in securing other economic, social and cultural rights.

129. The comments made by Mr. Zhong had raised a number of important points of which he would take full account when compiling his subsequent report. He noted that the present report had emphasized the aspect of globalization, possibly at the expense of diversification and the need to consider what type of development was right for a particular society. In his subsequent report on the subject, he would attempt to achieve a greater balance.

130. Finally, he thanked all those who had made comments and suggestions, all of which would be taken into account in the compilation of his next report.

131. Mr. SACHAR, Special Rapporteur on the right to adequate housing, said he was very grateful for the many positive comments which had been made regarding his final report on the right to adequate housing (E/CN.4/Sub.2/1995/12).

132. During the discussion of the report, the suggestion had been made that it appeared to lay down common requirements for all States, irrespective of prevailing conditions. In fact, as he had made explicitly clear in the working paper (E/CN.4/Sub.2/1992/15), the first progress report (E/CN.4/Sub.2/1993/15) and in paragraph 11 of the present report, the right to housing would not "manifest itself in precisely the same manner, in all circumstances or locations". Other speakers had raised the issue of the feasibility and potential benefits of an international instrument on the right to housing, and he noted that the Sub-Commission in its resolution 1994/38, had asked the Special Rapporteur to examine the feasibility of such an instrument and to explore its potential drawbacks or advantages of such an exercise. In his second progress report (E/CN.4/Sub.2/1994/20) he had emphasized his own view that such an international instrument was absolutely necessary, whatever differences existed between individual States, and had argued that the precise share of allocations devoted by particular States to particular areas was a matter of detail. In his view, the primary need was to convince the international community that the right to adequate housing was an absolute and urgent need and that it was universal and worldwide.

133. He regretted that it had not been possible to present to the present session a final version of the draft convention, incorporating the various comments and suggestions which he had hoped to receive from Governments and international bodies. As the present report explained in paragraphs 138 to 141, no responses had been received owing to an administrative failure. Nevertheless, he still strongly believed that such a comprehensive housing rights instrument would be a vital means for implementing the right to adequate housing. He urged the Sub-Commission to continue its work on developing relevant standards and to continue to give its support to the elaboration and eventual adoption of a new housing rights text.

134. In conclusion, he wished to thank the various non-governmental organizations and individuals, as well as the Centre for Human Rights and the other expert members, especially Mr. Hakim and Mr. Ali Khan, for their invaluable comments which had supported and inspired his work on the report.

135. Mr. DESPOUY, Special Rapporteur on the question of human rights and extreme poverty, regretted that his second interim report (E/CN.4/Sub.2/1995/15) had not been translated into English and hoped that his next report would be translated in good time. He noted that progress reports tended in general to reflect the views of experts which, after discussions with non-governmental organizations, Governments and other interested parties, were modified and reduced down to a core of fundamental ideas. He hoped to bring out those fundamental ideas in his next report.

136. He wished to express his gratitude to all the government and NGO representatives, as well as the experts and the other special rapporteurs, who had provided comments. There had been general agreement regarding the scale of the problem and its destructive effects. It affected 20 per cent of the world's population and appeared to be on the increase, despite the various macroeconomic indicators indicating economic growth. It had an enormous impact on the exercise of other economic, social and cultural rights, and led to the exclusion and marginalization of increasing numbers of people. It was now a universal phenomenon, present in the wealthy, developed countries as well as in the developing world.

137. The World Summit for Social Development in Copenhagen had confirmed many of the Sub-Commission's own assessments, notably the link between extreme poverty and the failure to implement human rights including civil and political rights, and had highlighted the interdependence of all human rights and the negative effects of extreme poverty.

138. With regard to methodology, it had been suggested that an attempt should be made to draw on the experience of people affected by extreme poverty, rather than on statistics and macroeconomic data alone. His own direct consultations with persons living in extreme poverty had indeed suggested that contacts such as those might indeed prove very useful. The seminar on the topic "Extreme poverty and the denial of human rights" had also provided abundant evidence that extreme deprivation tended to result in the denial of other rights which in turn made it difficult or impossible for those affected to escape their circumstances - ultimately creating what had been described in the Vienna Declaration and Programme of Action as an infernal circle of poverty.

139. In conclusion, he would take account of the comments and suggestions that had been made when drafting his next report.

140. The CHAIRMAN said that the Sub-Commission had concluded its discussion of agenda item 8.

The meeting rose at 1.00 p.m.